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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,653	09/12/2000	Paul Henry Fuoss	IDS 1999-0541	6961

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,653

Applicant(s)

FUOSS ET AL.

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeslee (GB 2308523) in view of Montlick (US 5,561,446).

Referring to Claim 1, Blakeslee teaches a method of electronic communications comprising the steps of:

receiving a handwritten message image that was input by a first user using said touch screen display (see line 3 of ABSTRACT); and

transmitting said handwritten message image to an electronic message address associated with another electronic communication device (see pg. 2, lines 21-31).

Blakeslee does not teach displaying for a first user on a touch screen display of a mobile electric communication device a typewritten message that was received over a wireless connection, the text of said message having been composed by a second user and transmitting said handwritten message image together with said typewritten received message in the same message field to an electronic message address associated with another electronic communication device. Montlick teaches displaying for a first user on a touch screen display of a mobile electric communication device a

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typewritten message that was received over a wireless connection (see 70 of fig. 6 and col. 2, lines 63-67), the text of said message having been composed by a second user and transmitting said handwritten message image together with said typewritten received message in the same message field (see figs. 3a and 6) to an electronic message address associated with another electronic communication device (see col. 3, lines 4-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Montlick to said device of Blakeslee in order reduce loss in accuracy by not having to attempt to recreate any of the handwriting data into text.

Referring to Claim 15, Blakeslee teaches an apparatus, comprising:

a mobile communication device 10 (MS-A) (fig. 3) including a touch screen display 12 (fig. 3) and operative to receive a handwritten message image that was input by a first user using said touch screen display, and transmit said handwritten message to another communication device such that it is displayed in said handwritten form (see lines 3-6 of ABSTRACT).

Blakeslee does not teach displaying for a first user on a touch screen display of a mobile electric communication device a typewritten message that was received over a wireless connection, the text of said message having been composed by a second user and transmitting said handwritten message image together with said typewritten received message in the same message field to another electronic communication device such that said handwritten message is displayed in handwritten form and said typewritten message is displayed in typewritten form. Montlick teaches displaying for a

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first user on a touch screen display of a mobile electric communication device a typewritten message that was received over a wireless connection (see 70 of fig. 6 and col. 2, lines 63-67), the text of said message having been composed by a second user and transmitting said handwritten message image together with said typewritten received message in the same message field to another electronic communication device such that said handwritten message is displayed in handwritten form and said typewritten message is displayed in typewritten form (see figs. 3a and 6 and col. 3, lines 4-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Montlick to said device of Blakeslee in order reduce loss in accuracy by not having to attempt to recreate any of the handwriting data into text.

Referring to Claim 2, Blakeslee also teaches storing a file of said transmitted handwritten image on a server (see 52 of fig. 5).

Referring to Claims 5 and 16, Blakeslee also teaches said mobile electronic communication device as a handheld communication device (see fig. 1A).

Referring to Claim 6, Blakeslee also teaches a wireless telephone (see fig. 1A).

Referring to Claim 9, Blakeslee also teaches a two way pager (see fig. 3).

Referring to Claims 3 and 4, Blakeslee also teaches sizing said handwritten message image to a different size appropriate for a display size of said another communication device (see last 3 lines of ABSTRACT).

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3. Claims 7, 8, 13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeslee and Montlick in view of Cobbley.

Referring to Claims 7 and 17, the combination of Montlick and Blakeslee does not teach a personal digital assistant. Cobbley teaches a personal digital assistant (see fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Cobbley to said device of Blakeslee in order to increase the size of the display on a mobile device for which a hand written message can be made and transmitted/received.

Referring to Claims 8 and 18, Cobbley also teaches a Palm Handheld Computer (see fig. 1 where most hand-held devices by Palm look similar to the device shown in fig. 1).

Referring to Claim 13, Cobbley also teaches said handwritten message transmitted via a communication network in an electronic mail format (see col. 3, lines 40-43).

Response to Arguments

4. Applicant's arguments with respect to claims 1-9, 13, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
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EY

 12/23/03
LEE NGUYEN
PRIMARY EXAMINER